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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,093	09/15/2006	Shinobu Munekata	P71445US0	7832
136	7590	10/29/2007	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			PICKARD, ALISON K	
		ART UNIT	PAPER NUMBER	
		3676		
		MAIL DATE	DELIVERY MODE	
		10/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/593,093	MUNEKATA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Alison K. Pickard	3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

Paper No(s)/Mail Date. \_\_\_\_\_

3) Information Disclosure Statement(s) (PTO/SB/08)

5) Notice of Informal Patent Application

Paper No(s)/Mail Date \_\_\_\_\_

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: part of the claim at the end is missing. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Paykin (6,322,082).

Paykin discloses a sealing device comprising a washer 35/36 with a main lip 23 fitted in a concave portion formed by leg 36 in the washer. A backup ring 15 is fitted to the main lip. A dust lip 44 is bonded to the washer and contacts the shaft. An outer peripheral lip 18/16 is bonded to an outer portion of the washer and contacts an outer member (not shown).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoda (6,612,582) in view of Paykin.

Art Unit: 3673

Hosoda discloses a sealing device comprising a washer 21, a main lip 31, auxiliary lip 33, dust lip 40, and outer peripheral lip 52. The main and dust lips contact the shaft. The auxiliary lip contacts an inner step portion of a rod guide 14. The outer lip contacts an outer member 11. Hosoda does not appear to disclose a back-up ring. Paykin teaches a sealing device for a reciprocating shaft comprising plural lips bonded to a washer. Paykin teaches the use of a back-up ring 15 between a portion of the main lip and the washer to prevent extrusion of the main lip through. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hosoda with a back-up ring as taught by Paykin to prevent extrusion of the main lip and thus improve the sealing effect and life.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoda in view of Japanese Patent 2003-294154 (JP '154).

Hosoda discloses a sealing device comprising a washer 21, a main lip 31, auxiliary lip 33, dust lip 40, and outer peripheral lip 52. The main and dust lips contact the shaft. The auxiliary lip contacts an inner step portion of a rod guide 14. The outer lip contacts an outer member 11. Hosoda does not appear to disclose an auxiliary washer and back-up ring as required by the claim. JP '154 teaches an improved sealing device for reciprocating shafts that uses an auxiliary washer 12 and back-up ring 30 to stabilize friction of the device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hosoda with the washer and ring arrangement taught by JP '154 to stabilize friction of the device.

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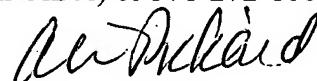
***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 571-272-7062. The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alison K. Pickard  
Primary Examiner  
Art Unit 3673

AP